

REMARKS

Claims 1-12, 14 and 16-20 are pending and under examination. Claims 13 and 15 were previously cancelled and claims 21-26 are cancelled herein responsive to the requirement in the April 5, 2006 Office Action. Applicant, however, reserves the right to file one or more continuing applications that include and/or claim subject matter in cancelled claims 21-26.

The Two Bloomberg Financial Markets Commodities News References

The Information Disclosure Statement By Applicant form ("IDS form") filed on January 28, 2004 identifies the following two documents in the list of documents under the heading "OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS" (starting on page 3 of the IDS form):

Buyside Bids Wanted, Bloomberg Financial Markets Commodities News, Bloomberg LP, 1998, 11 pages (the first item on page 3 of the IDS form); and

Bloomberg Offerings on Money Markets – BOOM <GO>, Bloomberg Financial Markets Commodities News, Bloomberg LP, August 1, 1998, 7 pages (the sixth item on page 3 of the IDS form).

There apparently is some confusion between these two documents, perhaps because each document in the upper left hand corner of page 1 includes the following (referred to below as "logo"):

BLOOMBERG
FINANCIAL MARKETS
COMMODITIES
NEWS

Below the logo in the respective document appears the title of the respective document, i.e., the title of one document is *Buyside Bids Wanted*, and the title of the other document is *Bloomberg Offerings on Money Markets – BOOM <GO>* ("the *BOOM* Document").

The *BOOM* Document was used to reject the claims in the March 8, 2005 Office Action. However, in the April 5, 2006 Office Action, the Examiner rejected the claims

based on the *Buyside Bids Wanted* document, referring to it as “Bloomberg Financial Markets Commodity News.”¹ Based on the dates and the screens to which the Examiner refers, the document the Examiner is referring to is the *Buyside Bids Wanted* document and not the *BOOM* Document.

In the IDS form, page 3, the August 1, 1998 date for the *BOOM* Document is incorrect. The August 1, 1998 date given in the IDS form for the *BOOM* Document does not appear anywhere in that document. In the *BOOM* Document, the date in the lower right hand corner of the screen on page 1 is “28-Jan-00” and the copyright notice date in the lower left hand corner of that screen is “Copyright 2000 Bloomberg L.P.” The document itself, apart from the screen on page 1, does not include a separate copyright notice or copyright date. The bodies of the other screens in the *BOOM* Document include dates in December 1999. Therefore, the August 1, 1998 date given in the IDS form for the *BOOM* Document is a mistake.

On the other hand, the date on the last page of the *Buyside Bids Wanted* document following the 1998 copyright notice is “8/1/98.” (This may be the source of the date mistake in the IDS form for the *BOOM* Document.) The screens in the *Buyside Bids Wanted* document include the following dates at the bottom right of the respective screens: “05-Mar-98” (page 1); “18-Dec-97” (page 3); “22-Dec-97” and “24-Dec-97” (page 4); “30-Apr-98” (page 5); “22-Dec-97” (page 6); “03-Sep-97” (page 7); “29-Dec-97” (page 8); “29-Dec-97” (page 9); and “30-Apr-98” (page 10). The bodies of the screens include dates from 1991 to 2021. The lower left hand corner of the screens in this document include either “Bloomberg-all rights reserved” or “Copyright 1998 Bloomberg L.P.” Similarly, the date in the copyright notice on the last page is “1998.” Therefore, August 1, 1998 following the copyright notice should be taken for purposes of this application as the date of the *Buyside Bids Wanted* document, but not as the date of the *BOOM* document.

¹ The source of the confusion may be page 11 of Applicant’s Response to March 8, 2005 Office Action, where the *BOOM* Document is referred to as the “Bloomberg Financial Markets Commodities News reference.”

Enclosed is a Declaration by inventor Susanne Vindekilde which states that the dates in the screens depicted in the *BOOM* Document are historical. It is submitted that the publication date of the *BOOM* Document can be no earlier than the latest date in the screens depicted in the *BOOM* Document, which is January 28, 2000.

Reconsideration and withdrawal of the rejection of claims 1-12, 14 and 16-20 in the April 5, 2006 Office Action are requested for the following reasons.

The *BOOM* Document is not Prior Art to This Application

As mentioned above, the date of the *BOOM* Document should be no earlier than the latest date in the screens, i.e. January 28, 2000, which is the date at the lower right of the screen on page 1 of this document. Since claims 1-12, 14 and 16-20 have been shown to have support in the provisional patent application no. 60/229,173 filed on August 30, 2000, the *BOOM* Document is not prior art to these claims under 35 U.S.C. § 102(b).

With respect to 35 U.S.C. § 102(a), the accompanying Vindekilde Declaration states that the *BOOM* Document describes the *BOOM* product and that she invented aspects of the *BOOM* product described in the *BOOM* Document and in this patent application. Since the *BOOM* Document describes the inventor's work, the *BOOM* Document does not qualify as prior art under 35 U.S.C. § 102(a). And, since the *BOOM* Document does not qualify as prior art under 35 U.S.C. § 102, it also does not qualify as prior art under 35 U.S.C. § 103(a).

The *Buyside Bids Wanted* Document does not Describe the Invention Claimed in the Pending Claims

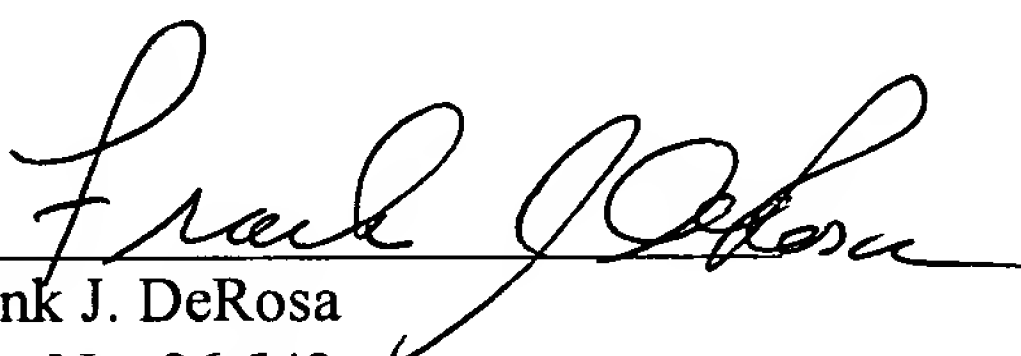
The *Buyside Bids Wanted* document, to which may be assigned a publication date of August 1, 1998, does not describe the *BOOM* product and does anticipate or render obvious any of claims 1-12, 14 and 16-20.

Closing

It is respectfully requested that the *BOOM* Document be withdrawn as available prior art against claims 1-12, 14 and 16-20. Reconsideration and withdrawal of the rejection of claims 1-12, 14 and 16-20 are respectfully requested, whether based on the *BOOM* Document or the *Buyside Bids Wanted* document.

With the cancellation of withdrawn claims 21-26, and the demonstrated allowability of claims 1-12, 14 and 16-20, the only pending claims, it is submitted that the application is in condition for allowance, and such allowance is respectfully requested.

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